

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

THE STATE OF TEXAS,

Plaintiff,

v.

MIGUEL CARDONA, in his official capacity
as Secretary of Education, et al.,

Defendants.

No. 4:23-cv-604-O

**DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT AND CROSS-MOTION TO DISMISS OR, IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT**

Defendants Miguel Cardona, in his official capacity as Secretary of Education, the United States Department of Education, Merrick B. Garland, in his official capacity as Attorney General of the United States, and the United States Department of Justice hereby oppose Plaintiff the State of Texas's motion for summary judgment and cross-move to dismiss or, in the alternative, for summary judgment. Because the Court lacks subject-matter jurisdiction over Plaintiff's claims, this case should be dismissed under Rule 12(b)(1). In the alternative, the Court should enter judgment for Defendants under Rule 56. Each of the matters required by Local Rules 56.3(a) and 56.4(a) is set forth in Defendants' brief. A proposed order is enclosed herein.

Dated: December 1, 2023

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

CARLOTTA WELLS
Assistant Branch Director

/s/ John T. Lewis
JOHN T. LEWIS (TX Bar No. 24095074)

Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, D.C. 20530
Tel: (202) 353-0533
Fax: (202) 616-8460
E-mail: john.t.lewis.iii@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on December 1, 2023, a copy of the foregoing was filed electronically via the Court's ECF system, which effects service upon counsel of record.

/s/ John T. Lewis
John T. Lewis